

**REMARKS**

Applicants respectfully request reconsideration of this application as amended.

Applicants would like to thank Examiner Tran for the courtesies extended to Applicants undersigned representative during the recent telephone conferences. During these telephone conferences, the status of the above application was discussed and an agreement reached that the claims reflected herein make the application allowable over the relied upon references. Examiner Tran indicated a further search would be required however before issuing a formal Notice of Allowance.

Accordingly, by this Amendment, the independent claims have been amended to recite that the diagnostic information about the communications channel is frequency domain received idle channel noise information. The information storage media claims have also been amended in accordance with the Examiner's recommendations.

Accordingly, Applicants believe claims 44-85 are patentably distinguishable from the relied upon references. A Notice of Allowance is respectfully requested.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is encourage to contact Applicants undersigned representative at the telephone number listed below.

Based on the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

Date: 29 Apr '08

By: \_\_\_\_\_

Jason H. Vick  
Reg. No. 45,285  
1560 Broadway, Suite 1200  
Denver, Colorado 80202  
Telephone: 303-863-9700